

REMARKS

Applicant has carefully considered the Office Action, and respectfully submits that the subject application is now in condition for allowance based upon the amendments presented herein and the following remarks.

Status of Claims

The subject application was originally filed with 19 claims. In response to a Joint Restriction and Election of Species Requirement, Applicant elected claims 1, 2, 4-9, 12, and 14-18 for prosecution on the merits. In a previous amendment, Applicant canceled claim 7 and amended claims 1, 2, 4-6, 8, 9, 12, and 14-18. In this present amendment, Applicant amends claim 1. Claims 1-6 and 8-19 remain pending, with claims 3, 10, 11, 13, and 19 withdrawn.

Summary of the Office Action

In the Office Action dated January 22, 2009, the Office:

A) rejected claims 1, 2, 4-9, 12, and 14-18 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-5, 12, 13, 16, 18, and 19 of U.S. Patent No. 7,328,920 (“Schneider”) in view of U.S. Patent No. 3,023,496 (“Millar”);

B) rejected claims 1, 2, 4-9, 12, and 14-18 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-5, 12, 13, 16, 18, and 19 of Schneider in view of U.S. Patent No. 5,644,832 (“Kanao”);

C) rejected claims 1, 2, 4-6, 8, 9, 12, and 14-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 2004/0094953 (“Luft”) in view of Kanao; and

D) rejected claim 18 under 35 U.S.C. § 103(a) as unpatentable over Luft in view of Kanao and further in view of U.S. Patent No. 4,410,205 (“Ingram”).

Double Patenting Rejection

Schneider in view of Millar

The Office rejected claims 1, 2, 4-9, 12, and 14-18 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-5, 12, 13, 16, 18, and 19 of Schneider in view of Millar. Claim 7 has been cancelled, and its rejection is moot. Applicant traverses the double patenting rejection of claims 1, 2, 4-6, 8, 9, 12, and 14-18 for the reasons set forth below.

Claim 1, as amended, recites at least one sealing bushing having an inner cylindrical wall with “the inner cylindrical wall disposed in a press fit with the plurality of ribs of the corrugated pipe hose.” Support for this amendment is found on p. 8, lines 10-22 and Figures 1 and 5-7. No new matter has been added. The Office concedes that Schneider does not disclose or claim a sealing bushing. Instead, the Office relies on the stainless steel gripper (8) of Millar as a teaching of a sealing bushing. However, Millar teaches that the “gripper 8 is screwed over its end of the tube.” (Col. 6, lines 49-50.) A press fit is distinct from the screw fit of Millar. Therefore, the combination of Schneider and Millar fails to disclose or suggest this element.

Claim 1, as amended, further recites “the at least one sealing bushing is elastically deformed by deforming the first tubular part of the mount.” Support for this amendment is found on p. 8, lines 10-22 and Figures 5-7. No new matter has been added. The Office concedes that Schneider does not disclose or claim a sealing bushing. Instead, the Office relies on the stainless steel gripper (8) of Millar as a teaching of a sealing bushing. However, Millar does not teach

that the stainless steel gripper is elastically deformed in the claimed manner. Therefore, the combination of Schneider and Millar fails to disclose or suggest this element.

For at least these reasons, the double patenting rejection of claim 1 over Schneider in view of Millar should be withdrawn. Because claims 2, 4-6, 8, 9, 12, and 14-18 depend directly or indirectly from claim 1, and incorporate by reference all of the limitations from this claim, the double patenting rejection of these claims should also be withdrawn.

Schneider in view of Kanao

The Office rejected claims 1, 2, 4-9, 12, and 14-18 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-5, 12, 13, 16, 18, and 19 of Schneider in view of Kanao. Claim 7 has been cancelled, and its rejection is moot. Applicant traverses the double patenting rejection of claims 1, 2, 4-6, 8, 9, 12, and 14-18 for the reasons below.

Claim 1, as amended, recites at least one sealing bushing that is “elastically deformed by deforming the first tubular part of the mount.” The Office concedes that Schneider does not disclose or claim a sealing bushing. Instead, the Office relies on the elastic seal ring (6) of Kanao as a teaching of a sealing bushing. However, Kanao does not teach that the elastic seal ring (6) is elastically deformed in the claimed manner. Therefore, the combination of Schneider and Kanao fails to disclose or suggest each and every element of claim 1.

For at least these reasons, the double patenting rejection of claim 1 over Schneider in view of Kanao should be withdrawn. Because claims 2, 4-6, 8, 9, 12, and 14-18 depend directly

or indirectly from claim 1, and incorporate by reference all of the limitations from this claim, the double patenting rejection of these claims should also be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Luft in view of Kanao

The Office rejected claims 1, 2, 4-6, 8, 9, 12, and 14-17 under 35 U.S.C. § 103(a) as being unpatentable over Luft in view of Kanao. Applicant traverses these rejections for the reasons set forth below.

Claim 1, as amended, recites at least one sealing bushing that is “elastically deformed by deforming the first tubular part of the mount.” The Office identifies the squeeze ring (34) of Luft as a sealing bushing. The Office concedes that Luft fails to disclose a sealing bushing that can be deformed, and instead relies on Kanao for this element. However, Kanao does not teach a sealing bushing that is elastically deformed in the claimed manner. Therefore, the combination of Luft and Kanao fails to disclose or suggest each and every element of claim 1.

Moreover, Luft teaches away from a sealing busing that is elastically deformed. Luft discloses a pressing sleeve (38) that is screwed onto a connecting element (11), so that an axial movement of the pressing sleeve (38) with respect to the clamping section (26) and to the squeeze ring (34) is generated. The conically shaped walls provide ramps, which create a radial inward force onto the end (27) of the hose which is clamped between the squeeze ring (34) and the clamping section (26) of the connecting element (11). A good sealing of the hose end (27) between a clamping section (26) and the squeeze ring (34) is only achieved if an axial movement of the squeeze ring is avoided when the pressing sleeve (38) is screwed onto the connecting element (11). The squeeze ring (34) of Luft must be stiff to avoid deformation instead of

transferring the force exerted by the pressing sleeve into a radial clamping force. Such a deformation would prevent the creation of a clamping force between the squeeze ring (34) and the hose end (27). A deformable squeeze ring (34) would tend to be deformed in its axial direction and could not create a suitable radial force on the hose end (27).

It is long established that a “proposed modification cannot render the prior art unsatisfactory for its intended purpose or change the principle of operation of a reference.” (MPEP § 2145; *see also* MPEP § 2143.01 (“If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).”)) The Office’s proposed modification of Luft would render it unsatisfactory for its intended purpose and would change its principle of operation, by preventing the creation of a clamping force in the radial direction.

For at least these reasons, the obviousness rejection of claim 1 over Luft in view of Kanao should be withdrawn. Because claims 2, 4-6, 8, 9, 12, and 14-18 depend directly or indirectly from claim 1, and incorporate by reference all of the limitations from this claim, the double patenting rejection of these claims should also be withdrawn.

Luft in view of Kanao and Ingram

The Office rejected claim 18 under 35 U.S.C. § 103(a) as unpatentable over Luft and Kanao in view of Ingram. Claim 18 depends directly from claim 1, and incorporates by reference all of the limitations from this claim.

As discussed above, claim 1, as amended recites at least one sealing bushing that is “elastically deformed by deforming the first tubular part.” Neither Luft nor Kanao discloses this

element. Ingram does not provide the missing element, nor does the Office assert that it does. Because the combination of Luft, Kanao, and Ingram fails to disclose each and every element of claim 18, the obviousness rejection should be withdrawn.

CONCLUSION

In view of the remarks above and the amendments presented herein, it is believed that all claims are in condition for allowance and notice to such effect is respectfully requested. If the Examiner thinks a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at the phone number provided below.

If additional fees are due in connection with this Amendment, the Commissioner is authorized to charge Deposit Account No. **02-2051** designating Docket No. **29391-1**.

Respectfully submitted,

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